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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT

PAPER NUMBER

2835

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/819,292
Filing Date: March 27, 2001
Appellant(s): PRAKASH, ANURAG

MAILED
OCT 05 2004
GROUP 2800

David N. Tran (Reg. No. 50,804)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/05/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The

changes are as follows: The rejection under U.S.C. 35 § 112, first paragraph of the claims 27, 33 and 34 is withdrawn.

(7) Grouping of Claims

Appellant's brief includes a statement that claims Group I-claims 27, 30, 33 and 34; Group II-claims 9-10, 12-14, 16 and 26-27; and group III-claims 1, 4-7, 18-19, 25, 30-32 and 35 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,548,478	Kumar et al	08-1996
6,222,507	Gouco	04-2001
5,900,848	Haneda et al	05-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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2. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is no any description or drawings in the specification of means for activating the second type of applications when using the second viewing area.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10, 12-14, 16 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda et al in view of Kumar et al.

Haneda et al teach a system, Figs.1-19, comprising: at least two modules 1 and 2 coupled to one another, each of them having a display screen 3 and 4 respectively and a set of internal components together forming a computer; wherein a display screen 4 of a first module 2 and a display screen 3 of a second module 1 either form a first viewing area when they are placed adjacent to each other (See Figs.3 and 8b), or form a second viewing area when the first modules is folded on the top of the second module such that only the first module display is visible (Figs.5 and 8c); or are folded such that neither the display screen of the first module nor the display screen of the second module are visible (See Fig.4), and when a low power-consumption mode is set (See

col.11, lines 39-49). It is also inherent that according to a kinematics of the device by Haneda et al both display modules can be place their back turned to each other, in which case both screens would be visible on the opposite sides of the device. Haneda et al teach furthermore said display screens being touch screen and a pen input devices (Col.5, lines 30-35); and said system comprising means for activating applications corresponding to a type of viewing area formed by the first and second display screens (col.5, line 20 through col.col.12, line 39). Haneda et al do not teach said viewing areas being associated with different types of software or hardware applications. Kumar et al teach a portable computer, Figs. 1-18, comprising a display panel 12 being controlled by two different software applications related to a position of said display panel in a laptop mode or in a tablet (touch screen) use. It would have been obvious to one skilled in the art at the time invention was made to employ a specific software application (driver) for a respective position of a display panel as it is shown by Kumar et al in the device by Haneda et al in order to support functioning of the display of the computer in different modes.

5. Claims 1, 4-7, 18-19, 25, 30-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gouco in view of Kumar et al.

Gouco teaches a system, Figs.1-7, comprising means for coupling a first display module 2 to a second display module 4 and to a third display module 5, such that different combinations of the display modules provide a set of different view areas. Gouco teaches furthermore said system, wherein when the first display module is folded over the second display module (Fig.5), the first display module is visible and the second

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display module is invisible. Gouco does not teach said viewing areas being associated with different types of software or hardware applications. Kumar et al teach a portable computer, Figs. 1-18, comprising a display panel 12 being controlled by two different software applications related to a position of said display panel in a laptop mode or in a tablet (touch screen) use. It would have been obvious to one skilled in the art at the time invention was made to employ a specific software application for a respective position of a display panels as it is shown by Kumar et al in the device by Gouco in order to support functioning of the display modules (or combination of different view areas created by said display modules) in different modes.

(11) *Response to Argument*

First: Examiner agrees with applicant's arguments regarding to the rejection under U.S.C. 35 § 112, first paragraph of the claims 27, 33 and 34. Therefore the rejection under U.S.C. 35 § 112, first paragraph of the claims 27, 33 and 34 is withdrawn.

However, applicant has not provided any explanation about means for activating the second type of applications claimed in the claim 30. Applicant's arguments that: "the first type and the second type of applications may be activated based on whether the multiple modules of the foldable mobile computing device are folded or unfolded" have been fully considered but they are not persuasive. Relative position of each module cannot be such means, but can be only the reason for such means to activate one or another type of the application. Means by itself has not been disclosed by the applicant.

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Second: Regarding to the applicant's statement that: "Kumar does not specifically teach the display panel being controlled by two different software applications" (Appeal Brief, page 7, lines 10-11). Examiner disagrees. Kumar et al in col.2, lines 34-38, in col.5, lines 10-11, and in lines 55-56 teach that the display panel 18 is being controlled by two different software applications: in laptop keyboard mode, and in slate pen-based mode, depending of the position of said display relative to the base 11 of the computer 10.

Haneda et al or Gouco each teach a computer system structurally equivalent to the one of the embodiments of the proposed invented structure of the instant application.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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September 29, 2004

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